

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DUNCAN GIBSON,

Defendant.

Case No. CR20-083-RSL

ORDER GRANTING
STIPULATED MOTION TO
CONTINUE TRIAL AND
PRETRIAL MOTIONS DUE
DATE

This matter comes before the Court on the parties' "Stipulated Motion to Continue Trial and Pretrial Motions Due Date." (Dkt. # 53). Having considered the facts set forth in the motion, and defendant's knowing and voluntary waiver (Dkt. # 54), the Court finds as follows:

1. The Court adopts the facts set forth in the stipulated motion: in particular, that the ongoing COVID-19 pandemic has interfered with defense counsel's ability to meet with defendant, and defense counsel requires additional time to continue to meet with defendant and advise him about a potential resolution. The Court accordingly finds that a failure to grant a continuance would deny counsel, and any potential future counsel, the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

2. The Court finds that a failure to grant a continuance would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

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5. Defendant has signed a waiver indicating that he has been advised of his right to a speedy trial and that, after consulting with counsel, he has knowingly and voluntarily waived that right and consented to the continuation of his trial to a date up to and including October 24, 2022, Dkt. # 54, which will permit his trial to start on September 26, 2022.

IT IS FURTHER ORDERED that the period of time from the current trial date of April 11, 2022, up to and including the new trial date, shall be excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and granting of this motion is excluded for speedy trial purposes pursuant to 18 U.S.C. §§ 3161(h)(1)(D), (h)(7)(A), and (h)(7)(B).

Robert S. Lasnik
Robert S. Lasnik
United States District Judge